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Jonathan E. Chuchla

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VEDDER PRICE KAUFMAN & KAMMHOLZ

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CHICAGO, IL 60601

EXAMINER

SHAPIRO, LEONID

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/770,911

Applicant(s)

CHUCHLA, JONATHAN E.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Odryna et al. (6,333,750 B1).

As to claims 18,20 Odryna et al. teaches a of displaying multiple video images on a display device (fig. 2, item 28, col. 7, lines 28-31) comprise of steps of:

receiving a plurality of video signals at a video processor (in the reference is equivalent to a system card), each of the video signals being capable of being processed to generate an image on a display device such that a first one of the video signals will generate an image of a first size on a display device and a second one of the video signals will generate an image of a second size on a display device (from col. 3, line 52 to col. 4, line 7 and figs 1-2, col. 6, lines 23-60); and

processing at least one of the video signals alter its receipt so mat when the first and second video signals are processed, they each generate images of the same size on a display device (fig. 1A, item 12, from col. 3, line 52 to col. 4, line 7).

As to claim 20, it generally considered to be within the ordinary skill in the art to use Creston video processor absent of showing criticality of in a particular processor. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to interchange processors. Such a limitation would have been considered as

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obvious variation on the matter of selected processors. In re Rose, 105 USPQ 237 (CCPA 1955).

As to claim 19, Odryna et al. teaches changing the number of pixels in at least one of the vertical and horizontal directions of at least one of the video signals so that images generated on a display device are substantially the same size (fig. 1A, item 12, from col. 3, line 52 to col. 4, line 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-6,10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odryna et al. in view of Uno et al. (6,025,817).

As to claim 1, Odryna et al. teaches a video display system (col. 3, lines 1-4) comprised of:

a video processor having at least a first computer video input port (col. 3, lines 1-4) and a second, NTSC video input port (col. 3, lines 30-34) and a video signal output port, capable of being operatively coupled to a fixed-pixel array video display device (col. 2, lines 23-27); and

a memory storage device, operatively coupled to the video processor and storing program instructions which, when executed cause the video processor to format video input signals at both ports, into a video signal that is sent to a fixed pixel video display device where upon video input signals are scaled to fit to video window areas within the fixed pixel array display (from col. 3, line 52 to col. 4, line 7 and col. 2, lines 23-27).

Odryna et al. does not teach a single VESA compliant video signal that is sent to a fixed pixel video display device.

Uno et al teaches a single VESA compliant video signal that is sent to a fixed pixel video display device (fig. 3, col. 1, lines 25-27).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate teachings of Uno et al. into Odryna et al. system in order to use commonly accepted standard (col. 1, lines 25-27).

As to 4-5,10-11,13-14 Odryna et al. teaches program instructions which when executed cause the video processor to display a video image from a video source in a corresponding window on the display device the memory storage device stores program instructions, which when executed cause the video processor to alter a video image from a video source by adding or deleting vertical pixels and adding or deleting horizontal pixels (fig. 1A, item 12, from col. 3, line 52 to col. 4, line 7).

As to claims 6,12 Odryna et al. teaches a video display system (col. 3, lines 1-4) comprised of:

display device capable of displaying multiple video images in separate display areas of the display device, each video image displayed on the display device being generated from a corresponding video signal from a corresponding video source (from col. 3, line 52 to col. 4, line 7 and col. 2, lines 23-27);

a Creston video processor having at least a first computer video input port, a first computer video input port that is capable of receiving a first format video signal (col. 3, lines 1-4) and a second input port that is capable of receiving a second format video signal (col. 3, lines 30-34) and a video signal output port, capable of being operatively coupled to a video display device (col. 2, lines 23-27); and

a memory, operatively coupled to the video processor and storing program instructions which, when executed cause the video processor to format video input signals at both ports, into a video signal that is sent to a fixed pixel video display device where upon video input signals are scaled to fit to video window areas within the fixed pixel array display (from col. 3, line 52 to col. 4, line 7 and col. 2, lines 23-27).

Odryna et al. does not teach a single VESA compliant video signal that is sent to a fixed pixel video display device.

Uno et al teaches a single VESA compliant video signal that is sent to a fixed pixel video display device (fig. 3, col. 1, lines 25-27).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate teachings of Uno et al. into Odryna et al. system in order to use commonly accepted standard (col. 1, lines 25-27).

3. Claims 2-3,7-9,15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uno et al. and Odryna et al., and further in view of Yavid et al (6,802,451 B2).

As to claim 2-3,7-9 Yavid et al. teaches a control input that is capable of being coupled to a fixed pixel array display device that provides a signal to the video processor that indicates where a tactile contact with the display device was made; and where said memory includes additional instructions which when executed cause said processor to read a signal at said control input and correlate the location of a contact with said fixed-pixel array display device with an image being projected on said device. (fig. 1, col. 8, lines 36-64).

As to claim 15, Odryna et al. teaches a video display system (col. 3, lines 1-4) comprised of:

fixed-pixel array display device said display device capable of displaying multiple video images in separate display areas of the display device, each video image displayed on the display device being generated from a corresponding video signal from a corresponding video source (from col. 3, line 52 to col. 4, line 7 and col. 2, lines 23-27);

a video processor having at least a first computer video input port, a first computer video input port that is capable of receiving a first format video signal (col. 3, lines 1-4) and a second input port that is capable of receiving a second format video signal (col. 3, lines 30-34) and a video signal output port, capable of being operatively coupled to a fixed-pixel array video display device (col. 2, lines 23-27); and

a memory, operatively coupled to the video processor and storing program instructions which, when executed cause the video processor to format video input signals at both ports, into a video signal that is sent to a fixed pixel video display device where upon video input signals are scaled to fit to video window areas within the fixed pixel array display (from col. 3, line 52 to col. 4, line 7 and col. 2, lines 23-27).

Odryna et al. does not teach a single VESA compliant video signal that is sent to a fixed pixel video display device.

Uno et al teaches a single VESA compliant video signal that is sent to a fixed pixel video display device (fig. 3, col. 1, lines 25-27).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate teachings of Uno et al. into Odryna et al. system in order to use commonly accepted standard (col. 1, lines 25-27).

It generally considered to be within the ordinary skill in the art to use Creston video processor absent of showing criticality of in a particular processor. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to interchange processors. Such a limitation would have been considered as obvious variation on the matter of selected processors. In re Rose, 105 USPQ 237 (CCPA 1955).

Uno et al. and Odryna et al. do not disclose in different sections of the display device, the program instructions further causing the processor to read signals indicative of tactile contact with the display device and to display on the display device,



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an indication of the tactile contact to electronically simulate the action of drawing on the screen with a marker or to manipulate the functions of the attached computers.

Yavid et al. teaches that in different sections of the display device, the program instructions further causing the processor to read signals indicative of tactile contact with the display device and to display on the display device, an indication of the tactile contact to electronically simulate the action of drawing on the screen with a marker or to manipulate the functions of the attached computers (fig. 1, col. 8, lines 36-64).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate teachings of Yavid et al. into Uno et al. and Odryna et al. system in order to selecting a projected icon (col. 8, lines 39-42 in the Yavid et al. reference).

As to claims 16-17, Odryna et al. teaches program instructions which when executed cause the video processor to display a video image from a video source in a corresponding window on the display device the memory storage device stores program instructions, which when executed cause the video processor to alter a video image from a video source by adding or deleting vertical pixels and adding or deleting horizontal pixels (fig. 1A, item 12, from col. 3, line 52 to col. 4, line 7).

### ***Response to Arguments***

4. Applicant's arguments filed 06/11/07 have been fully considered but they are not persuasive:

On page 10, 1<sup>st</sup> -3<sup>rd</sup> paragraphs of Remark in relation to claims 18-20, Applicant stated that neither FIG. 1 or FIG. 2 show "a single display device" as suggested. Instead, FIG. 2 shows Display 0, Display 1, Display 2, and Display 3. However, claim 18 has limitation of **a single display device** in a preamble, not in the body of the claim. In response to applicant's arguments, the recitation **a single display device** has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Notice, also that fig. 2, item 28 of Odryna et al. reference shows a display device, consisting of different display portion, but not a separate different display devices, remotely located.

2. On page 11, 2<sup>nd</sup> paragraph and page 12, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs of Remark in relation to independent claims 1,6,12,15 Applicant stated that Claim 1, however, claims that the "video processor format video input signals at both ports, into a **single** VESA compliant video signal that is sent to the fixed-pixel array video display device where upon video input signals are scaled to fit to video window areas within the fixed-pixel video array display device." Thus, Odryna does not teach what is alleged, and the claim

is therefore allowable. However, Uno reference teaches a **single** VESA complainant video signal (fig. 3, col. 1, lines 25-27). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Telephone Inquire***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LS  
08.15.07



**RICHARD HJERPE**  
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